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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,625	02/21/2002	Shinobu Suzuki	02098/LH	8143
1933	7590	10/06/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			HARRIS, ANTON B	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,625

Applicant(s)

SUZUKI ET AL.

Examiner

Anton B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/080,625.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 15, 16, 18, 20, and 22, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The Office interprets claims 15, 16, 18, 20, and 22 without the recitation of the phrase "or the like".

Any further rejection of, or indications of the allowability of, either of claims 15, 16, 18, 20, and 22 are based on claims 15, 16, 18, 20, and 22, as they are understood by the Office.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Presnick (4,078,847).

Regarding claim 1, Presnick (col. 3, lines 11-67) discloses a frame joining structure wherein ends of outer side surfaces of three mutually orthogonal frames 11, which constitute a framework of an electrical and electronic equipment housing cabinet 10, are shaped to be cut at two planes of ± 45 degrees (col. 3, lines 18-20) relative to a plane defined by other two frames 11, and these ends 14 are joined together to constitute a corner portion 15.

Regarding claim 2, Presnick (col. 3, lines 11-67) discloses that a corner member 14 is provided in the corner portion 15 to be covered by the ends of the outer side surfaces of the three frames 11. See figure 1.

Regarding claim 3, Presnick (col. 3, lines 11-67) discloses that the ends of the outer side surfaces of the three frames 11 are constituted by a trigonal pyramid shaped corner member 15 outwardly exposed. See figure 1.

Regarding claims 4-6, Presnick (col. 3, lines 11-67) discloses that obliquely extending draining portions 17 are provided on both sides of the outer side surfaces (figure 1) of the three frames 11, and the draining portions 17 are joined together at the corner portion 15.

Regarding claim 7, Presnick (col. 3, lines 11-67) discloses a bar-shaped frame which constitutes a framework of an electrical and electronic equipment housing cabinet 10 and comprises a hollow portion or portions (figure 3) and orthogonal, plate-shaped equipment mount sides 12 connected to the hollow portion or portions (figure 3).

Regarding claim 8, Presnick (col. 3, lines 11-67) discloses that the plate-shaped equipment mount sides 12 are extended from a cabinet inside corner portion 15 of a hollow portion (figure 3).

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Regarding claim 9, Presnick (col. 3, lines 11-67) discloses that the hollow portion (figure 3) is triangular in cross section, and draining portions 17 are provided on both outer wall sides of a cabinet 10 to abut obliquely against the outer wall sides of the cabinet 10.

Regarding claim 11, Presnick (col. 3, lines 11-67) discloses that a formed side is provided to be contiguous to a draining portion 17 and in parallel to the cabinet 10 outer wall.

Regarding claim 12, Presnick (col. 3, lines 11-67) discloses a vertical frame wherein a frame body 10 is provided with draining sides 17, which abut obliquely against the outer walls, and formed sides disposed further inward than the draining sides 17 and in parallel to the outer walls.

Regarding claim 13, Presnick (col. 3, lines 11-67) discloses that the draining sides 17 are provided on the right and the left, and an oblique side is provided therebetween to distend outward. See figure 3.

5. Claims 14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Crawford et al. (5,901,033).

Regarding claim 14, Crawford et al. (col. 5, lines 59-64) discloses a frame joining structure wherein ends of frames 11 are joined together at a corner portion 15 of an electrical and electronic equipment housing cabinet 10 by means of welding and fasteners (col. 5, lines 61-63).

Regarding claim 15, Crawford et al. (col. 5, lines 59-64) discloses that at least a part of a frame 10 inner side portion of the frame 10 further inwardly of the cabinet than portions abutting against a door, side panels, a roof is joined by welding (col. 6, lines 34-35), and at least a part of a frame 10 outer side portion of the frame 10 further outwardly of the cabinet than the abutting portions is joined by fasteners (col. 5, line 62).

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Regarding claim 16, Crawford et al. (col. 5, lines 59-64) discloses that at least a part of a frame 10 inner side portion of the frame 10 further inwardly of the cabinet than portions abutting against a door, side panels, a roof is joined by fasteners (col. 5, line 62) and at least a part of a frame outer side portion of the frame 10 further outwardly of the cabinet than the abutting portions is joined by welding (col. 6, lines 34-35).

Regarding claims 17 and 18, Crawford et al. (col. 5, lines 59-64) discloses that the frames comprise a hollow portion or portions (figure 11) and a recessed portion (figure 11), and the recessed portion (figure 11) is secured by a rivet or rivets (col. 5, line 62), which are one kind of fasteners.

Regarding claims 19 and 20, Crawford et al. (col. 5, lines 59-64) discloses that the recessed portions (figure 11) are formed in a frame 10 inner side portion and a frame 10 outer side portion, respectively.

Regarding claim 21 and 22, Crawford et al. discloses that the draining portion is an inherent feature that prevents moisture from affecting the interior electronics.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Presnick in view of Crawford et al.

Regarding claim 10, Presnick discloses the invention substantially as claimed, but lacks equipment mount holes, inside of which is circular and outside of which is quadrilateral.

Crawford et al. (col. 6, lines 3-67) teach equipment mount holes 36, 38, inside of which is circular and outside of which is quadrilateral.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Presnick by providing equipment mount holes, inside of which is circular and outside of which is quadrilateral in order to facilitate assembly with standard tools in view of the teachings of Crawford et al.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pinney U.S. Patent No. 5,066,161 discloses framework connected through welding and rivets.

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Latchinian U.S. Patent No. 4,473,315 discloses framework including three members connected at a reference plane of +/- 45 degrees at a corner portion.


Lever U.S. Patent No. 4,684,282 discloses framework including three members connected at a reference plane of +/- 45 degrees at a corner portion.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

10/4/04


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